

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 240

Introduced by Senator Stone

February 17, 2015

~~An act to amend Section 1170 of the Penal Code, relating to mandatory supervision. An act to add Section 21080.27 to the Public Resources Code, relating to environmental quality.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 240, as amended, Stone. ~~Mandatory supervision. California Environmental Quality Act: exemption: renewable energy projects on disturbed land.~~

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts various projects from its requirements.

This bill would exempt specified renewable energy projects of limited duration on disturbed land, as defined, that meet certain requirements. Because a lead agency would be required to determine if a project qualifies for this exemption, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law authorizes a court, when sentencing a person to county jail for a felony, to commit the person to county jail for either the full term in custody, as specified, or to suspend the execution of a concluding portion of the term selected at the court's discretion. Under existing law, this period of suspended execution is supervised by the county probation officer and is known as mandatory supervision.~~

~~This bill would make a defendant subject to mandatory supervision subject to search and seizure by a peace officer at any time of the day or night, with or without cause. The bill would also require the defendant to admit any peace officer designated by the sheriff or his or her designee or the county probation officer or his or her designee into the defendant's residence at any time for purposes of verifying the defendant's compliance with the conditions of his or her mandatory supervision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21080.27 is added to the Public Resources
- 2 Code, to read:
- 3 21080.27. (a) For purposes of this section, the following terms
- 4 mean the following:
- 5 (1) "Disturbed land" means real property that is any of the
- 6 following:
- 7 (A) A brownfield as defined in Section 9601 of Title 42 of the
- 8 United States Code.
- 9 (B) Property with at least 25 percent of the area covered by
- 10 nonnative species.
- 11 (C) Property that was formerly used for agricultural or grazing
- 12 purposes.
- 13 (D) Property that was historically used for timber harvesting
- 14 or mining purposes.
- 15 (2) "Limited duration" means not more than 25 years.

1 (3) “Renewable energy project” means a project with a
2 generation capacity of not more than 25 megawatts and that will
3 provide electrical service pursuant to Section 2830 of the Public
4 Utilities Code.

5 (b) This division does not apply to any activities related to the
6 construction and operation of a renewable energy project of limited
7 duration on disturbed land that meets all of the following:

8 (1) The renewable energy project is designed to provide both
9 immediate benefit to ecosystem services, such as watershed
10 function or habitat restoration, for the disturbed land during the
11 first five years of the project and long-term benefits for the
12 disturbed land.

13 (2) The renewable energy project demonstrates an overall
14 energy cost savings to the local government for the life of the
15 project.

16 (3) The project applicant has provided, to the satisfaction of
17 the lead agency, sufficient financial assurance, in the form of a
18 surety bond or other instrument, to remediate the disturbed land
19 at the end of the life of the renewable energy project.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of Section
25 17556 of the Government Code.

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28 **All matter omitted in this version of the bill**
29 **appears in the bill as introduced in the**
30 **Senate, February 17, 2015. (JR11)**
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